

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

JEFFREY SCUDDER
44069 Chadds Ford Court
Ashburn, Virginia 20147

Plaintiffs

v.

CENTRAL INTELLIGENCE AGENCY
Washington, D.C. 20505

Defendant.

* * * * *

Civil Action No. 12- _____

COMPLAINT

This is an action brought by plaintiff Jeffrey Scudder against the defendant Central Intelligence Agency under the Freedom of Information Act (“FOIA”), 5 U.S.C. § 552, et seq., as amended, for the disclosure of various articles of the journal Studies in Intelligence.

JURISDICTION

1. This Court has both subject matter jurisdiction over this action and personal jurisdiction over the defendant pursuant to 5 U.S.C. § 552(a)(4)(B) and 28 U.S.C. § 1331.

VENUE

2. Venue is appropriate under 5 U.S.C. § 552(a)(4)(B) and 28 U.S.C. § 1391.

PARTIES

3. Plaintiff Jeffrey Scudder (“Scudder”) is an American citizen and resident of the Commonwealth of Virginia.

4. Defendant Central Intelligence Agency (“CIA”) is an agency within the meaning of 5 U.S.C. § 552(e). The CIA is in possession and/or control of the records requested by Scudder that are the subject of this action.

COUNT ONE

5. In or around Fall 2010, Scudder submitted three FOIA requests that were received by the CIA on December 9, 2010. The requests sought (1) “Electronic copies of 133 Studies in Intelligence (SII) articles listed in the accompanying pages”; (2) “Electronic copies of 282 Studies in Intelligence (SII) articles listed in the accompanying pages”; and (3) “Electronic copies of Studies in Intelligence (SII) articles listed in the accompanying pages”. No response to this submission was ever received.

6. By letter dated June 27, 2011, Scudder inquired as to the status of his requests.

7. By letter dated July 27, 2011, the CIA acknowledged receipt of the three requests and assigned them reference numbers F-2011-00448, F-2011-00449 and F-2011-00450, respectively.

8. By letter dated December 23, 2011, Scudder, through the undersigned counsel, formally requested from the CIA, pursuant to 5 U.S.C. § 552(a)(7), the status of the requests and “an estimated date on which the agency will complete action.” This request went completely ignored, as have voicemail messages left with the CIA’s FOIA Office on December 23, 2011, January 4, 2012, January 12, 2012, and January 23, 2012.

9. As twenty working days have elapsed without a substantive determination by the CIA concerning Scudder’s requests, he has therefore constructively exhausted all required administrative remedies.

10. Scudder has a legal right under the FOIA to obtain the information he seeks, and there is no legal basis for the denial by the CIA of said right.

WHEREFORE, plaintiff Jeffrey Scudder pray that this Court:

(1) Orders the defendant to disclose the requested records in their entireties and make copies promptly available to him in electronic format;

(2) Award reasonable costs and attorney's fees as provided in 5 U.S.C. § 552

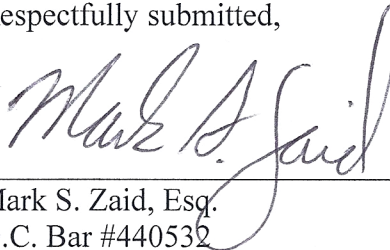
(a)(4)(E) and/or 28 U.S.C. § 2412 (d);

(3) expedite this action in every way pursuant to 28 U.S.C. § 1657 (a); and

(4) grant such other relief as the Court may deem just and proper.

Date: May 15, 2012

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Mark S. Zaid", is written over a horizontal line.

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